

**4512. Adulteration and misbranding of oats. U. S. \* \* \* v. 1200 Sacks of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6660. I. S. No. 3382-k. S. No. E-326.)**

On or about June 24, 1915, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1200 sacks, each containing about 100 pounds, of an article purporting to be oats, remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped on May 21, 1915, and transported from the State of Tennessee into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The sacks were labeled: "100 Lbs. gross P-K White Oats, Tampa, Florida."

Adulteration of the article was alleged in the libel for the reason that it was labeled as white oats and other substances, to wit, barley, weed seeds, chaff, and other extraneous matter, had been substituted in part for the said white oats and had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality or strength.

Misbranding was alleged for the reason that the statement "100 Lbs. gross P-K White Oats, Tampa, Florida" was a false statement as to the ingredients and substances contained in the sacks, in that they contained 25 per cent of barley, 3 per cent of weed seed, chaff, and other extraneous material. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the sacks in terms of weight, measure, or numerical count in that the gross weight of said sacks, instead of the contents thereof, was labeled upon the outside of said sacks.

On July 6, 1915, the Trenholm-Kolp Co., Memphis, Tenn., claimant, having appeared and filed its answer, admitting the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$2,500 in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*